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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,640	09/29/2004	Kwang-Ho Choi	CU-3923 RJS/WWP	4297
26530	7590	09/20/2005	EXAMINER	
LADAS & PARRY LLP 224 SOUTH MICHIGAN AVENUE SUITE 1600 CHICAGO, IL 60604			MAYES, MELVIN C	
			ART UNIT	PAPER NUMBER
			1734	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/509,640

Applicant(s)

CHOI, KWANG-HO

Examiner

Melvin Curtis Mayes

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1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/5/05.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Drawings

(1)

Figures 1-3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

(2)

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

(3)

Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are not clear as written. For purposes of examination, the claims are interpreted based on the description of the invention in the specification.

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Regarding claims 1 and 3, the phrase "screw-like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "-like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

(4)

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(5)

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 61-60456 A.

JP 61-60456 discloses a method comprising: providing a ceramic bottle 1; bonding to the opening 2 of the bottle a cone 6 having a threaded inner surface (thus forming screw-like projection at the inner side of the entrance of the bottle); providing a resin cork having a screw surface; and screwing the cork into the opening of the bottle (combining screw-like projection of the entrance with screw-like projection of the plastic cork), wherein packing 13 is provided between the bottle and head 14 of the cork (at the lower part of plastic cork) (oral translation).

Claim Rejections - 35 USC § 103

(6)

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

(7)

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner 5,947,310 in view of Hwang et al. 6,539,618.

Wagner discloses a method comprising providing a wine bottle of cast glass or other material and provided with internal threads (screw-like projection) within the neck portion; providing a screw closure of molded plastic having peripheral external screw threads; and engaging the screw threads of the screw closure with the internal threads of the bottle to seal the bottle (col. 3-5). Wagner does not specifically disclose providing the bottle of ceramic.

Hwang et al. teach that wine is conventionally contained in glass or ceramic bottle (col. 1, lines 10-12).

It would have been obvious to one of ordinary skill in the art to have provided the bottle of Wagner as a ceramic or glass bottle, as taught by Hwang et al., as conventional for bottles for containing wine.

(8)

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner 5,947,310 in view of Hwang et al. 6,539,618 as applied to claim 1, and further in view of the admitted prior art and Schleicher 2,303,303.

The admitted prior art teaches that a ceramic bottle is made by assembling a funnel-shaped plaster framework with a plaster framework; filling the inner side of the plaster framework with slip to form a bottle of specific thickness by slip casting; removing the plaster frameworks; and performing plasticity processing for the ceramic bottle (pg. 1-2).

Schleisher teach that to provide a ceramic shape with internal groove, a core form body is formed to which the ceramic is slip cast and the core form body is removed by heating during the baking or firing of the ceramic (pgs. 2-4).

It would have been obvious to one of ordinary skill in the art to have made the ceramic bottle using a funnel-shaped plaster framework with a plaster framework, as taught by the admitted prior art, as the method used to slip cast a ceramic bottle. Combining a core form body with the funnel-shaped framework to form the internal threads of the bottle and removing the core form body during the plasticity processing would have been obvious to one of ordinary skill in the art, as Schleicher teach that a core form body which is removed during the firing of the ceramic is used to form a ceramic shape having internal grooves. It would have been obvious to one of ordinary skill in the art to have removed the frameworks while leaving the core form body

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attached to the ceramic bottle during plasticity processing so as to not deform the internal threads to be formed on the ceramic bottle.

(9)

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over DE 42 36 245

Abstract in view of Hwang et al. 6,539,618 and DE 297 03 338 Abstract.

DE 42 36 245 Abstract discloses a method comprising providing the inside of the neck of a wine bottle with a spiral thread (screw-like projection); providing the cork of any material with a corresponding thread; and screwing the cork into the bottle. DE '245 Abstract does not specifically disclose providing the bottle of ceramic or the cork of plastic.

Hwang et al. teach that wine is conventionally contained in glass or ceramic bottle (col. 1, lines 10-12).

DE '338 Abstract teaches that a plug for bottles of wine is provided as a plastic plug of heat-resistant plastic with outer threading for high sealing effect.

It would have been obvious to one of ordinary skill in the art to have provided the bottle of DE '245 Abstract as a ceramic or glass bottle, as taught by Hwang et al., as conventional for bottles for containing wine.

It would have been obvious to one of ordinary skill in the art to have provided the cork of DE '245 Abstract as a plastic cork of threaded heat-resistant plastic, as taught by DE '338 Abstract, as a plug used for bottle of wine for high sealing effect.

Conclusion

(10)

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

EP 225293 discloses a glass bottle having internal threads for receiving external threads of a stopper.

(11)

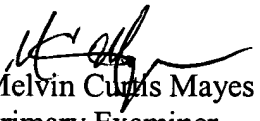
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin Curtis Mayes whose telephone number is 571-272-1234. The examiner can normally be reached on Mon-Fri 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on 571-272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Melvin C. Mayes
Primary Examiner
Art Unit 1734

MCM
September 15, 2005